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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,386	09/27/2001	Eric L. Andersen	10017511-1	2925

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EXAMINER
LEE, DIANE I

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Am

Office Action Summary	Application No.	Applicant(s)
	09/965,386	ANDERSEN ET AL.
	Examiner D. I. Lee	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-9,11-15,17-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-9,11-15,17-23 and 25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 22 September 2003. Claims 1-7, 12, 17, 20, 23, and 25 have been amended; claims 5, 10 16, and 24 have been canceled; and no claims have been newly added. Currently, claims 1-4, 6-9, 11-15, 17-23, and 25 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1, 3, 6-7, 9, 12, 15, 19-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsukawa [US 5,436,436] in view of Abe et al. [US 5,895,903].**

Re claims 1, 6, 12, 20, 23: Matsukawa discloses an IC card terminal apparatus for automatically selecting a language to display on the user interface (the display device of the IC card terminal) in the preferred language of the user, which stored in the portable memory medium, comprising:

a language identification information reading means 81, which connected to the IC card reader 2, 102, for reading a language identifier from a portable memory medium (IC card 1, 101) in which the user's preferred language identification information (a primary language identifier) is stored (see the abstract, col. 2, lines 15+; and figures 1, 3);

a memory 104 in the IC card terminal that stores computer executable instruction and the terminal performs the operations of reading, identifying, and selection when the executable instruction is executed by a processor 8, 103 (see col. 2, lines 30+ and col. 3, lines 8+);

a display control means 83 for picking a message corresponding to the language indicated by the language identification information read out by the language identification reading means 81 to cause the display unit to display the message according to the stored language identification information. This clearly teaches the claimed steps of the identifying a preferred language (the primary language) associated with the language identifier and displaying the user interface in the preferred language (see col. 2, lines 28+ and col. 3, lines 66+ for example).

Although Matsukawa teaches the terminal reading and identifying the user's primary language identifier from the IC card; he does not teach the IC card storing a secondary language identifier and the terminal capable of identifying the second preferred language and displaying the user interface in the secondary preferred language in an event that the terminal cannot display in primary preferred due to the primary preferred language is unavailable.

Abe teaches the IC card terminal automatically selecting an alternative language (i.e., the secondary preferred language) of the transaction message to display the message in a default language (i.e., the secondary preferred language) in an event that the terminal cannot display in primary preferred due to the primary language is unavailable (i.e., if the personal data is not indicated on the IC card, such as with a new IC card). Abe further teaches that the system, as an alternative, can allow the user to select

an appropriate language from the selection and/or such selection can be stored in the IC card as a personal data (see col. 7, lines 46+ and figure 18).

It would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the system of Matsukawa to provide the IC card terminal having a capability of displaying a default language (i.e., the secondary preferred language) as an alternative, as taught by Abe, in the event that the user interface cannot be displayed in the preferred language when the preferred language is not identified on the card. Accordingly, such modification would allow the card user to carry the transaction without the preferred language identification information. Therefore, it would have been an obvious extension taught by Matsukawa.

Although Abc teaches the system that allows the user to select an appropriate language from the selection and/or such selection can be stored in the IC card as a personal the personal data of the IC card; Matsukawa as modified by Abe does not teach the language of the language identifier explicitly having a primary and a secondary identifiers, it would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to simplify the user's appropriate language selection in the identification data to explicitly identifying the first and the second preferred language (i.e., user's most comfortable language as the first preferred language and a default language as the second preferred language) so that the terminal can most identifies and accommodates the user's comfortable language with less operating time when the user's first preferred language is not identified or not a popularly utilized language by the terminal. Such modification would reduce the operating time in determining the specific selection when system finds multiple languages that terminal can support from the user's selection.

Re claim 7: the IC card 1, 101 is configured to be inserted into an interface (an IC card reader/writer 2) of a computer device (the IC card terminal) for effecting identification of an owner of the

card. The card includes a memory a, 111 for storing personal data and a language identifier that identifies a preferred language of the card owner (see col. 3, lines 33+).

Re claims 3, 9, 15, 19, and 22: the portable memory card 1, 101 is an integrated circuit card (see figures 1 and 3).

5. **Claims 2, 4, 8, 11, 13-14, 17-18, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsukawa as modified by Abe as applied to claim 1 above, and further in view of Akiyama [US 4,736,405].** The teachings of Matsukawa as modified by Abe have been discussed above.

Re claims 2, 8, 14, 18, and 21: Although Matsukawa as modified by Abe teaches the portable memory medium is a card having an IC chip as a memory for storing personal data and a language identifier that identifies a preferred language of the card owner; Matsukawa as modified by Abe does not teach the portable memory medium is a card having a magnetic strip.

Akiyama teaches a portable memory medium is a card having a magnetic strip, i.e., ID card 203 is a magnetic card (see col. 3, lines 21+).

Since the IC and the magnetic strip in the portable medium such as a card is an art recognized functional equivalent for storing the data, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that switching the IC technology to the magnetic strip technology in the apparatus of Matsukawa as modified by Abe would have been a cost effective transition.

Re claims 4, 11, 13, 17, and 25: Matsukawa as modified by Abe teaches that the system selection of the preferred language is based on the identified data that is stored in the card and the language user interface (display device) can display the message in more than one language. The IC card terminal of Matsukawa as modified by Abe provides a variable language of a message for guiding the card user

regardless of the terminal location. Therefore, the IC card terminal apparatus of Matsukawa can tailor the language of the message in accordance to the card owner's preferred and/or understandable language for clearly guiding the transaction operation to the card user.

Matsukawa as modified by Abe does not teach that the card and the IC card terminal apparatus is an automated teller machine (ATM) and the card is an ATM card.

The fact that the ATM terminal is provided in various location of the world, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Matsukawa in the ATM environment, i.e., the card terminal and the user's card being an automated teller machine (ATM) and the card is an ATM card, respectively, such that the display device of the automated teller machine capable of tailoring the language of the transaction message in accordance to the card owner's language preference and/or understandable language for clearly guiding the card user in the transaction operation regardless the location of the ATM terminal. Accordingly, such modification would have been an obvious extension taught by Matsukawa. Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed and does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 164 (1987).

Response to Arguments

6. Applicant's arguments filed 22 September 2003 have been fully considered but they are not persuasive.
7. Applicant argued with respect to Matsukawa that Matsukawa does not disclose or anticipate the use of a second language identifier (see page 8, lines 19+ of the Applicant's response), Abe teaches the IC card terminal automatically selecting an alternative language (i.e., the secondary preferred language) of the transaction message to display the message in a default language (i.e., the secondary preferred

language) in an event that the terminal cannot display in primary preferred due to the primary language is unavailable (i.e., if the personal data is not indicated on the IC card, such as with a new IC card). Abe further teaches that the system, as an alternative, can allow the user to select an appropriate language from the selection and/or such selection can be stored in the IC card as a personal data (see col. 7, lines 46+ and figure 18). It would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the system of Matsukawa to provide the IC card terminal having a capability of displaying a default language (i.e., the secondary preferred language) as an alternative, as taught by Abe, in the event that the user interface cannot be displayed in the preferred language when the preferred language is not identified on the card. Accordingly, such modification would allow the card user to carry the transaction without the preferred language identification information. Therefore, it would have been an obvious extension taught by Matsukawa. Although Abe teaches the system that allows the user to select an appropriate language from the selection and/or such selection can be stored in the IC card as a personal the personal data of the IC card; Matsukawa as modified by Abe does not teach the language of the language identifier explicitly having a primary and a secondary identifiers, it would have been an obvious to an artisan of ordinary skill in the art at the time the invention was made to simplify the user's appropriate language selection in the identification data to explicitly identifying the first and the second preferred language (i.e., user's most comfortable language as the first preferred language and a default language as the second preferred language) so that the terminal can most identifies and accommodates the user's comfortable language with less operating time when the user's first preferred language is not identified or not a popularly utilized language by the terminal. Such modification would reduce the operating time in determining the specific selection when system finds multiple languages that terminal can support from the user's selection. (see the discussion above).

8. Applicant argued that Abe merely discloses that a user has the capacity to select a preferred language, and that if a preferred language is unavailable, Abe simply reverts a default language (i.e., if a

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preferred language is unavailable, Abe simply reverts to a default language) (see page 10, lines 17+ of the Applicant's response). The examiner points out that Abe teaches "*in the event that the primary preferred language is unavailable*" (i.e., if the personal data is not indicated on the IC card), the system reverts to a default language. Abe also provision of allowing the user to select an appropriate language from the selection (e.g., choosing from among several) or the selection being provided as a personal data on the IC card (see the discussion above).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.